

AMENDED IN SENATE APRIL 8, 2013

SENATE BILL

No. 134

Introduced by Senator ~~Rubio~~ Hueso

January 28, 2013

An act to ~~add~~ amend Section ~~18928~~ to 18926.5 of, and to add Sections 18923.5 and 18926.6 to, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 134, as amended, ~~Rubio~~ Hueso. ~~CalFresh~~. *CalFresh* eligibility.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), formerly the Food Stamp Program, under which nutrition assistance benefits, formerly referred to as food stamps, are allocated to each state by the federal government. That program, as administered in California, is known as ~~CALFresh~~ *CalFresh*. Under existing state law, pursuant to *CalFresh*, California's federal allocation is distributed to eligible individuals by each county. ~~Existing law authorizes a county to deliver CalFresh benefits through the use of an electronic benefits transfer (EBT) system and also prohibits recipients from purchasing certain items with their CalFresh benefits. Existing law establishes eligibility and benefit level requirements for receipt of CalFresh benefits.~~

This bill would require the State Department of Social Services to submit a request to the United States Department of Agriculture, on or before December 31, 2014, to waive a specified federal requirement in order to exclude the basic allowance for housing for members of a uniformed service from countable income in the calculation of CalFresh eligibility and benefit level and would require the waiver to be implemented within 6 months of being granted.

Existing law authorizes counties to participate in the CalFresh Employment and Training program (CalFresh E&T), established by federal law, and requires participating counties to screen CalFresh work registrants to determine whether they will participate in, or be deferred from, the CalFresh E&T program. Existing law requires deferral for specified groups, including people under 16 and over 60 years of age.

This bill would require participating counties to defer from the CalFresh E&T program a person who is currently serving in the United States Armed Forces or is a veteran who has been honorably discharged from the United States Armed Forces. The bill would require a veteran applying for CalFresh benefits who is required to register to work, but who is exempt from mandatory placement in the CalFresh E&T program, to be provided with a referral to local veterans' assistance and job training agencies and given the opportunity to participate as a volunteer in CalFresh E&T if the county participates. By requiring counties to offer referral services to veterans, this bill would impose a state-mandated local program.

~~This bill would, to the extent permitted by federal law, require the State Department of Social Services to modify the list of allowable food items purchasable under CalFresh to prohibit recipients of CalFresh benefits from purchasing with those benefits sweetened beverages containing more than 10 calories per cup, except as specified. The bill would require the department to seek all necessary federal approvals to implement these provisions.~~

~~To the extent that this bill would increase the duties of county officials that administer CalFresh, this bill would impose a state-mandated local program.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 *SECTION 1. It is the intent of the Legislature in enacting this*
2 *act to limit barriers to food assistance for low-income veterans*
3 *and their families and to increase referrals to veteran-oriented*
4 *job training programs.*

5 *SEC. 2. Section 18923.5 is added to the Welfare and Institutions*
6 *Code, to read:*

7 *18923.5. The State Department of Social Services shall submit*
8 *a request to the United States Department of Agriculture, on or*
9 *before December 31, 2014, to waive the provisions of Section*
10 *273.9(c)(1)(vii) of Title 7 of the Code of Federal Regulations in*
11 *order to exclude the basic allowance for housing for a member of*
12 *a uniformed service, per Section 403(a) of Title 37 of the United*
13 *States Code, from countable income in the calculation of eligibility*
14 *and benefit level for purposes of CalFresh. The waiver requested*
15 *under this section shall be implemented within six months from*
16 *the approval of the waiver.*

17 *SEC. 3. Section 18926.5 of the Welfare and Institutions Code*
18 *is amended to read:*

19 18926.5. (a) For the purposes of this chapter, “CalFresh
20 Employment and Training program” or “CalFresh E&T” means
21 the program established under Section 6(d)(4)(B) of the federal
22 Food and Nutrition Act of 2008 (7 U.S.C. Sec. 2015), Section
23 273.7 of Title 7 of the Code of Federal Regulations, and associated
24 administrative notices published by the United States Department
25 of Agriculture with the purpose of assisting members of CalFresh
26 households in gaining skills, training, work, or experience that will
27 increase their ability to obtain regular employment.

28 (b) (1) A county that elects to participate in the CalFresh
29 Employment and Training (CalFresh E&T) program, as authorized
30 by the federal Food and Nutrition Act of 2008 (7 U.S.C. Sec. 2015),
31 shall screen CalFresh work registrants to determine whether they
32 will participate in, or be deferred from, the CalFresh E&T program.
33 If deferred, a CalFresh work registrant may request to enroll in the
34 CalFresh E&T program as a voluntary participant. An individual
35 shall be deferred from a mandatory placement in the CalFresh
36 E&T program if he or she satisfies any of the criteria in Sections
37 273.7 and 273.24 of Title 7 of the Code of Federal Regulations,
38 or if he or she resides in a federally determined work surplus area.

1 *area, or if he or she is currently serving in the United States Armed*
2 *Forces or is a veteran who has been honorably discharged from*
3 *the United States Armed Forces.*

4 (2) For purposes of this section, “deferred” has the same
5 meaning as exempt.

6 (c) (1) A county that elects to participate in the CalFresh E&T
7 program shall be required to demonstrate in its CalFresh E&T plan
8 how it is effectively using CalFresh E&T funds for each of the
9 components that the county offers, including, but not limited to,
10 any of the following:

11 (A) Self-initiated workfare.

12 (B) Work experience or training.

13 (C) Education.

14 (D) Job search.

15 (E) The support services or client reimbursements needed to
16 participate in subparagraphs (A) to (D), inclusive, as allowed by
17 federal law and guidance.

18 (2) Nothing in this section shall be construed to require a county
19 to offer a particular component as a part of its CalFresh E&T plan.

20 (d) Nothing in this section shall limit a county’s ability to
21 condition the receipt of nonmedical benefits under Section 17000
22 on an individual’s participation in an employment and training or
23 workfare program of the county’s choice, even if that program is
24 financed in whole or part with CalFresh E&T funds or match funds.

25 (e) Nothing in this section shall restrict the use of federal funds
26 for the financing of CalFresh E&T programs.

27 (f) Nothing in this section shall be construed to require a county
28 to provide for workers’ compensation coverage for a CalFresh
29 E&T participant. Notwithstanding Division 4 (commencing with
30 Section 3200) of the Labor Code, a CalFresh E&T participant shall
31 not be an employee for the purposes of workers’ compensation
32 coverage and a county shall have no duty to provide workers’
33 compensation coverage for a CalFresh E&T participant.

34 (g) Notwithstanding the rulemaking provisions of the
35 Administrative Procedure Act (Chapter 3.5 (commencing with
36 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
37 Code), the department may implement this section by all-county
38 letters or similar instructions. Thereafter, the department shall
39 adopt regulations to implement this section by October 1, 2013.

SEC. 4. Section 18926.6 is added to the Welfare and Institutions Code, to read:

18926.6. A veteran applying for CalFresh benefits who is required to register to work, but who is exempt from mandatory placement in the CalFresh E&T program pursuant to Section 18926.5, shall be provided with a referral to local veterans' assistance and job training agencies and be given the opportunity to participate as a volunteer in CalFresh E&T if the county administers that program.

SECTION 1. ~~The Legislature finds and declares all of the following:~~

~~(a) Two-thirds of adults and nearly one in three children are overweight or obese in the United States. The federal Centers for Disease Control and Prevention reports that 24.8 percent of Californians are obese. Obesity presents a major financial burden to the state because it is associated with common chronic conditions including heart disease, diabetes, and cancer. The "obesogenic" elements of American society must be addressed to improve both the public and fiscal health of the nation.~~

~~(b) In May 2010, the White House Task Force on Childhood Obesity called for the nation's food assistance programs to contribute to the solution to the multifaceted problem of obesity by ensuring access to nutritious foods. Currently, under the United States Department of Agriculture (USDA) guidelines for the federal Supplemental Nutrition Assistance Program (SNAP), CalFresh recipients have a relatively large degree of freedom with respect to which food products they may purchase with their SNAP dollars, through the Golden State Advantage Electronic Benefits Transfer (EBT) card. There are a number of items, however, that are not allowed to be purchased with the EBT card at point-of-sale, including alcoholic beverages, cigarettes, cat litter, and hot foods.~~

~~(c) While the USDA claims that SNAP's stated goal is to "provide food assistance to raise levels of nutrition among low-income individuals," recent epidemiological and public health studies focused on California's SNAP population have indicated that SNAP participants are more likely to be obese than non-SNAP participants. Additionally, soda consumption among participants is significantly higher than nonparticipants.~~

~~(d) Excess consumption of sugar-sweetened beverages, including, but not limited to, soda, promotes both tooth decay and~~

1 increased body weight in children while providing few essential
2 nutrients. Additionally, SNAP recipients purchase at least 40
3 percent more sugar-sweetened beverages than do other consumers;
4 according to the USDA's National Health and Nutrition Survey.

5 (e) In response, the Legislature is requesting the State
6 Department of Social Services to seek all necessary federal
7 approvals to modify the list of allowable foods that may be
8 purchased with CalFresh benefits in California to prohibit the
9 purchase of sugar-sweetened beverages, including, but not limited
10 to, sodas, that have little or no nutritional value and contribute to
11 obesity and poor health outcomes.

12 SEC. 2. Section 18928 is added to the Welfare and Institutions
13 Code, to read:

14 18928. (a) To the extent permitted by federal law, the State
15 Department of Social Services shall modify the list of allowable
16 food items that may be purchased with federal Supplemental
17 Nutrition Assistance Program dollars under CalFresh so that no
18 CalFresh benefits may be used to purchase sweetened beverages
19 containing more than 10 calories per cup, except that CalFresh
20 benefits may be used to purchase juice without added sugar, milk
21 products, and milk substitutes, even if sweetened.

22 (b) The department shall use culturally sensitive campaigns to
23 promote the modifications made to CalFresh pursuant to this
24 section as well as the benefits of healthy and nutritious eating
25 habits.

26 (c) In implementing this section, the department may collaborate
27 with any public or nongovernmental organizations that promote
28 the health and well-being of all Californians.

29 (d) The department shall seek all necessary federal approvals
30 to implement this section, which may include a waiver of federal
31 law from the United States Department of Agriculture.

32 SEC. 3.

33 SEC. 5. If the Commission on State Mandates determines that
34 this act contains costs mandated by the state, reimbursement to
35 local agencies and school districts for those costs shall be made
36 pursuant to Part 7 (commencing with Section 17500) of Division
37 4 of Title 2 of the Government Code.